

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 03-00048 DAE
)	
Plaintiff,)	
)	
vs.)	
)	
DEON JOSEPH,)	
)	
Defendant.)	
_____)	

ORDER OF RECUSAL

During the proceedings in this matter, this Court was required to make a determination as to the credibility of the Defendant versus his attorney, as the Defendant has had four and will now have five attorneys appointed by the Court to represent him in his case. Because the Defendant found fault with the representation of his counsel, the Court was required to state upon the record that it found the Defendant lacked credibility, this after the Defendant had charged his fourth lawyer, Mr. Zenger, with professional misconduct, a charge which this court believes from the evidence before it lacks merit.

Because the motion to withdraw his guilty plea greatly rests upon the credibility of the Defendant versus the Government's agents, the court must determine from the evidence of the credibility of the Defendant. It is in the interest

of justice and to avoid even the appearance of impropriety, that the Court recuses itself from all further proceedings in this case so there will be no perception that the Court has in effect pre-judged the motion.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, February 10, 2006.





David Alan Ezra
United States District Judge

United States of America vs. Deon Joseph, Cr. No. 03-00048 DAE; ORDER OF RECUSAL